IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

SEP 28 2009

JOHN F. CORCORAN, CLERK

BY:

DEPUTY CYERK

HAMEEN SHAHID IRVIN,)
Plaintiff,) Case No. 7:09CV00244
V.)) <u>FINAL ORDER</u>
WILLIAM H. ALEXANDER, II, JUDGE, ET AL.,) By: Glen E. Conrad) United States District Judge
Defendants.)

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

- 1. Plaintiff's additional evidence (Dkt. Nos. 6, 14, and 16), which the court construes as motions to amend, are **GRANTED** and the complaint is amended as stated in the motions;
- 2. This civil action pursuant to 42 U.S.C. § 1983, as amended, is **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim; and
 - 3. This action is stricken from the active docket of the court.

ENTER: This 28^{td} day of September, 2009.

United States District Judge